

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

BARBARA J. ZUELLY,)
Plaintiff)
v.) CAUSE NO.: 3:21-cv-000035
FAMILY DOLLAR STORES OF)
INDIANA, LLP)
Defendant.)

NOTICE OF REMOVAL OF CIVIL ACTION

To the Honorable Judges of the United States District Court for the Southern District of Indiana, Evansville Division:

Removing party, by the undersigned attorneys, respectfully show this Court:

1. The removing party is the Defendant Family Dollar Stores of Indiana, LLC (improperly named as “Family Dollar Stores of Indiana, LLP”) (“Defendant”), in the above-entitled action.

2. On January 28, 2021, the above-entitled action was commenced against the removing party in the Perry County Circuit Court, State of Indiana under Cause No. 62C01-2101-CT-000029; captioned *Barbara J. Zuelly v. Family Dollar Stores of Indiana, LLP* and is now pending.

3. Plaintiff Barbara J. Zuelly has filed suit as a result of “serious and permanent injuries” she sustained after slipping and falling on a liquid substance on the floor at Defendant’s retail business located at 1510 9th Street in Tell City, Indiana. The alleged injuries occurred on March 7, 2019.

4. As a result of the alleged incident, Plaintiff complains of a periprosthetic fracture to her left femur requiring surgery and is seeking damages for past and future medical expenses and “other special expenses”.

5. On February 2, 2021, Defendant received a Summons and Complaint in the above-entitled action, via certified mail.

6. A Motion for Enlargement of Time, up to and including March 27, 2021 for the Defendant to answer or otherwise respond to Plaintiff’s Complaint was granted on February 3, 2021.

7. No further proceedings in this matter have been held in the Perry County Circuit Court.

8. Plaintiff is alleged to be a citizen of the State of Indiana.

9. Defendant is a North Carolina limited liability company with its principal place of business located at 500 Volvo Parkway, Chesapeake, Virginia 23320. Defendant is a citizen of the States of North Carolina and Virginia. The sole member of Defendant’s limited liability company is Family Dollar Stores, Inc. Family Dollar Stores, Inc. is a Delaware corporation with its principal place of business located at 500 Volvo Parkway, Chesapeake, VA 23320. Family Dollar Stores, Inc. is a citizen of the States of Delaware and Virginia.

10. By virtue of diversity jurisdiction, Defendant is entitled to removal.

11. Plaintiff’s claimed damages exceed \$75,000.

12. This Court has original diversity jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(a).

13. A copy of the entire State Court Record for Perry County Circuit Court, State of Indiana under Cause No. 62C01-2101-CT-000029 is attached as Exhibit A.

14. A copy of the Complaint served on the removing party in the above-entitled action is attached hereto as Exhibit B.

15. A copy of the Civil Cover Sheet is attached as Exhibit C.

16. This Notice is filed with this Court within 30 days of service of the Summons and Complaint on the Defendant, as the removing party.

WHEREFORE, Defendant, Family Dollar Stores of Indiana, LLC (improperly named as “Family Dollar Stores of Indiana, LLP”), by counsel, respectfully requests that this action be removed from the Perry County Circuit Court, State of Indiana, Cause No. 62C01-2101-CT-000029 to the United States District Court for the Southern District of Indiana, Evansville Division, for trial and determination.

DREWRY SIMMONS VORNEHM, LLP

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFTHERI, #19336-49
MELANIE A. KALMBACH, #34800-49
Counsel for Family Dollar Stores of Indiana, LLC
Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
(317) 580-4848
(317) 580-4855 Facsimile
aeleftheri@DSVlaw.com
mkalmbach@DSVlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served with the Clerk of the Court on this 22nd day of February, 2021 using the CM/ECF system which sent notification of this filing or by placing it in the U.S. Mail, postage pre-paid, to the following:

Brandon E. Hall
GREENE & SCHULTZ
520 North Walnut Street
Bloomington, Indiana 47404
Counsel for Plaintiff

/s/ Anthony M. Eleftheri
ANTHONY M. ELEFTHERI, #19336-49
MELANIE A. KALMBACH, 34800-49
*Counsel for Family Dollar Stores of
Indiana, LLC*